

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

CHAMBERS OF  
JOSEPH J. FARNAN, JR.  
JUDGE

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March 3, 2008

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RE: Desombre v. KB Toys Inc.  
Civil Action No. 07-22-JJF

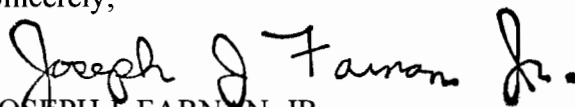
Dear Counsel:

Pursuant to Federal Rule of Civil Procedure 16(b) and Local Rule 16.2, the Court requests that counsel confer and submit to the Court a Proposed Pretrial Scheduling Order on or before **Wednesday, April 2, 2008**.

Attached is a sample form of Order which should serve as a basis for your discussions. The Court schedules jury trials to commence within sixteen (16) months from the date of filing. If there is no demand for a jury trial or if the parties waive trial by jury, trial can be scheduled within four (4) to nine (9) months from the date the case was filed. When discussing the schedule of this matter, please account for all the events that can adversely affect your preparation for the trial.

If either party believes that a conference with the Court is needed, please direct any requests or questions regarding the scheduling and management of the above matter to Case Manager Debbie Krett at (302) 573-6168.

Sincerely,

  
JOSEPH J. FARNAN, JR.

JJFjr:nms  
Attachment  
cc: Clerk, U.S. District Court

(Non-Patent Revised 2/08)

**RULE 16 SCHEDULING ORDER**

The parties having satisfied their obligations under  
Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties [have  
exchanged] [will exchange] by (date) the information required by  
Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.1.

2. **Joinder of other Parties.** All motions to join  
other parties shall be filed on or before (date).

3. **Settlement Conference.** Pursuant to 28 U.S.C. §636,  
this matter is referred to Magistrate Judge \_\_\_\_\_ for the  
purposes of exploring the possibility of a settlement. If the  
parties agree that they would benefit from a settlement  
conference, the part shall contact the Magistrate Judge to  
schedule a settlement conference so as to be completed no later  
than the Pretrial Conference or a date ordered by the Court.

4. **Discovery.**

(a) Exchange and completion of interrogatories,  
identification of all fact witnesses and document production  
shall be commenced so as to be completed by (date).

(b) Maximum of \_\_\_\_\_ interrogatories by each  
party to any other party.

(c) Maximum of \_\_\_\_\_ requests for admission by

each party to any other party.

(d) Maximum of \_\_\_\_\_ depositions by plaintiff(s) and \_\_\_\_\_ by defendant(s). Depositions shall not commence until the discovery required by Paragraph 4 (a, b and c) are completed.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the party with the burden of proof on the issue the expert is offered by \_\_\_\_\_.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

#### **5. Non-Case Dispositive Motions.**

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with the Federal and Local Rules, and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion day on which it is to be heard. Available motion dates will be posted on the Court's website at:  
<http://www.ded.uscourts.gov/JJFmain.htm>.

(b) At the motion hearing, each side will be allocated ten (10) minutes to argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at:

jjf\_civil@ded.uscourts.gov

**6. Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before \_\_\_\_\_.

**7. Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before \_\_\_\_\_, 20\_\_\_\_. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

**8. Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's February 1, 2008 Order on Procedures for filing non-dispositive motions in non-patent cases (pro se cases excluded). Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other

than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

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DATE

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UNITED STATES DISTRICT JUDGE